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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/237,099	01/25/1999	ROBERT D. GLASER	REALNET.001C	9619

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EXAMINER

VAUGHN JR, WILLIAM C

ART UNIT	PAPER NUMBER
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2152

DATE MAILED: 04/25/2002

6

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/237,099

Applicant(s)

GLASER ET AL.

Examiner

William C. Vaughn, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-17 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 9, 10-18-21 and 23-29 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2 and 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. This Action is in response to the Election without Traverse received 14 February 2002.
2. Applicant's election without traverse of Invention I, corresponding to Claims 1-8, 11-17 and 22 in Paper No. 5 is acknowledged.

Information Disclosure Statement

3. The references listed in the Information Disclosure Statement submitted on 28 May 1999 and 12 July 2001 has been considered by the examiner (see attached PTO-1449).

Drawings

4. The drawings are objected to because of the objections noted on the PTO-948 form attached. Correction is required.

Title

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: --A MULTIMEDIA COMMUNICATION SYSTEM THAT PROVIDES AUDIO ON DEMAND TO SUBSCRIBERS--.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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7. Claims 1-8, 11-17, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yurt et al. (Yurt), U.S. Patent No. 5,132,992 in view of Lightfoot et al. (Lightfoot), U.S. Patent No. 5,682,325.

8. Regarding **claim 1**, Yurt discloses the invention substantially as claimed. Yurt discloses *a media receiver* [see Yurt, Figure 1 f], *comprising: a media data buffer* [see Yurt, Figure 1f, item 200c] *for receiving media data* (Yurt teaches that audio and video material is buffered in an intermediate storage device in the reception system), [see Yurt, Col. 4, lines 38-44]; *a CPU* (inherent feature) *for decoding said media data* (Yurt teaches that decompression of the requested material may occur at the head end of a cable television reception system. It also allows for users who have cable television decoders to decode and decompress the requested material. It is also an inherent feature of a cable television decoder to have a CPU or processor to decode video or audio data), [see Yurt, Col. 4, lines 44-50]; *said media data buffer receiving media data from said selected media server, and said CPU decoding said received media data* [see Yurt, Col. 4, lines 30-51]. However, Yurt does not explicitly disclose a computer-readable storage, which contains server selection information for selecting one of a plurality of media servers and said CPU, selecting one of said media servers for data communication based upon said server selection information, said receiver establishing a data communication connection with said selected media server.

9. In the same field of endeavor, Lightfoot discloses (e.g., routing and access control and billing functionalities in a video distribution network capable of providing subscribers with access to multiple information service providers). Lightfoot discloses *a computer-readable storage, which contains server selection information for selecting one of a plurality of media*

servers and said CPU, selecting one of said media servers for data communication based upon said server selection information, said receiver establishing a data communication connection with said selected media server (Lightfoot discloses a DET (Digital Entertainment Terminal) that includes a CPU, a memory and an audio/video decoder, controlled by the CPU. The audio/video decoder decompresses digitized information. Lightfoot also teaches that the DET and/or remote control have appropriate keys to write a VIP (Video information provider), (*plurality of media servers*) preference into the memory of the DET. The menu contains a screen of text and/or graphic images listing VIP's available to the customer, which list each providers two-digit code and gives name of each provider), [see Lightfoot, Col. 8, lines 62-67, Col. 9, lines 1-30, Col. 10, lines 66-67, Col. 11, lines 1-67].

10. Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporate Lightfoot's teachings of routing and access control and billing functionalities in a video distribution network capable of providing subscribers with access to multiple information service providers with the teachings of Yurt, for the purpose of providing a seamless, smooth approach for connecting a video information user (VIU) to the video information provider (VIP) of their choice, in a multiple provider environment [see Lightfoot, Col. 64-67]. By this rationale **claim 1** is rejected.

11. Regarding **claim 2**, Yurt-Lightfoot further discloses *wherein said media data includes video data* [see Yurt, Col. 5, lines 22-58]. By this rationale **claim 2** is rejected.

Regarding **claim 3**, Yurt-Lightfoot further discloses *wherein said media data includes audio data* [see Yurt, Col. 5, lines 22-57]. By this rationale **claim 3** is rejected.

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12. Regarding **claim 4**, Yurt-Lightfoot further discloses *wherein said server selection information includes data relating to the quality of the respective data communication connection that can be established with each of said media servers* (Lightfoot teaches that the Gateway performs a variety of network connectivity functions, such as communications port management of transmissions of information between subscribers and servers), [see Lightfoot, Col. 13, lines 5-67]. By this rationale **claim 4** is rejected.
13. Regarding **claim 5**, Yurt-Lightfoot further discloses *wherein said server selection information includes data relating to the geographic locations of said media servers* [see Yurt, Col. 6, lines 8-34]. By this rationale claim 5 is rejected.
14. Regarding **claim 6**, Yurt-Lightfoot further discloses *wherein said CPU uses location data representing a location of said media receiving system* [see rejection of claim 1, supra]. By this rationale **claim 6** is rejected.
15. Regarding **claim 7**, Yurt-Lightfoot further discloses *wherein a user of said media receiving system enters said location data representing said location of said media receiving system* [see rejection of claim 1, supra]. By this rationale **claim 7** is rejected.
16. Regarding **claim 8**, Yurt-Lightfoot further discloses *wherein said media data includes video data* [see rejection of claim 2, supra]. By this rationale **claim 8** is rejected.
17. Regarding **claim 11**, Yurt-Lightfoot further discloses *a media distribution system comprising: a plurality of servers at specified geographic locations, each of said servers having a memory for holding media data; and a receiver at another geographic location, said receiver in communication with one of said servers, said receiver comprising: a media data buffer for receiving media data from said one of said servers; a CPU for processing said received media*

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data; and a computer-readable storage holding information relating to said geographic locations of said servers, said CPU determining which of said servers to establish communication with based upon said information relating to said geographic locations [see rejection of claim 1, supra]. By this rationale **claim 11** is rejected.

18. Regarding **claim 12**, Yurt-Lightfoot further discloses *a method of dynamically allocating a server/receiver pair, said method comprising the steps of: storing in a receiver, map data indicative of geographic locations of a plurality of servers; determining a geographic location of said receiver* [see Lightfoot, Col. 11, lines 50-67]; *and selecting one of said plurality of servers to communicate with, said selecting performed by using said geographic locations of said plurality of servers and said receiver* [see Yurt, Col. 6, lines 8-35 and Lightfoot, Col. 11, lines 50-67]. By this rationale **claim 12** is rejected.

19. Regarding **claim 13**, Yurt-Lightfoot further discloses *step of periodically updating said map data* (The Examiner takes Official Notice is taken (see **MPEP 2144.03**), that it was well known in the networking art at the time the invention was made for map data to be updated periodically and that Yurt-Lightfoot would have been motivated to utilize the updating features within there system to have updated the selection and location data of each VIP (Video Information Provider). By this rationale **claim 13** is rejected.

20. Regarding **claim 14**, Yurt-Lightfoot further discloses *the steps of: storing media clips in said selected server; requesting one of said media clips; and transmitting to said receiver data representing said requested media clip* [see Yurt, Col. 6, lines 8-22]. By this rationale **claim 14** is rejected.

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21. Regarding **claim 15**, Yurt-Lightfoot further discloses *the steps of: storing media data in a central server, said media clips representing a portion of said media data, each of said media clips stored in said selected server based on the frequency at which it is requested* [see Lightfoot, Col. 14, lines 34-44]. By this rationale **claim 15** is rejected.

22. Regarding **claim 16**, Yurt-Lightfoot further discloses *a method of dynamically allocating a server/receiver pair, said method comprising the steps of: providing data indicating a quality of each of a plurality of communication links, each of said communication links relating to a receiver and one of a plurality of servers; and selecting one of said servers to communicate with said receiver based upon determining a communication link to have a highest quality* [see rejection of claim 1 and 11, supra]. By this rationale **claim 16** is rejected.

23. Regarding **claim 17**, Yurt-Lightfoot further discloses *wherein said server communicates audio data and said receiver comprises a standard PC* [see Yurt, Col. 14, lines 64-67]. By this rationale **claim 17** is rejected.

24. Regarding **claim 22**, Yurt-Lightfoot further discloses *a method of dynamically allocating server/receiver pairs in an audio-on-demand system comprising the steps of: establishing communication between a receiver and a central server; identifying to said central server a location of said receiver; identifying to said central server a location of at least one proximate server; and wherein said central server establishes communication between said receiver and a proximate server based upon said location of said receiver and a location of said proximate server* [see rejection of claims 1, 11 and 12, supra]. By this rationale **claim 22** is rejected.

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Conclusion

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Vaughn, Jr. whose telephone number is (703) 306-9129. The examiner can normally be reached on 8:00-5:00, 1st Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9700.

WCV

WCV
Patent Examiner
Art Unit 2152
April 22, 2002


MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100